

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Structure and Practices of the Video Relay)	CG Docket No. 10-51
Service Program)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
with Hearing and Speech Disabilities)	

COMMENTS OF ASL SERVICES HOLDINGS, LLC

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SUMMARY

ASL Services Holdings, LLC (branded “Gracias VRS,” “ASL/Gracias VRS”) addresses issues relating to the ongoing provision of relay services under the federal Telecommunications Relay Service Program (“Program”) as set forth in the Commission’s December 15, 2011 Further Notice of Proposed Rulemaking (“Further Notice”) in the above-captioned matter. ASL/Gracias VRS commends the Commission for its continued efforts to preserve federal Telecommunications Relay Service Fund (“Fund”) integrity through the elimination of waste, fraud, and abuse, while also promoting innovation and achievement of other policy goals.

To accomplish these objectives, ASL/Gracias VRS proposes that the Commission take a phased approach that allows for an orderly transition of further reforms with the benefit of additional experience and data gained from recently adopted reforms, as opposed to further more dramatic immediate reforms. ASL/Gracias VRS further urges the Commission to first focus on adoption of a per-minute provider-based cost compensation methodology that compensates for provider direct costs, continued enforcement of current regulations, and open exchange of information. ASL/Gracias VRS also proposes adoption of an equipment and technology-neutral approach to consumer choice that separates the provision of equipment from service, as well as other operational incentives needed to innovate, compete, and meet Program objectives.

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	RELAY SERVICES REPRESENT A UNIQUE REGULATORY PARADIGM REQUIRING A DELICATE BALANCE NECESSARY FOR SUSTAINABILITY OF THE PROGRAM AND PROVIDERS.....	3
III.	THE COMMISSION SHOULD FIRST FOCUS ON MAKING TEMPORARY ADJUSTMENTS IN THE CURRENT VRS PAYMENT STRUCTURE BEFORE CONSIDERING MAJOR ALTERNATIVE APPROACHES.	5
	A. A Relay Services Monopoly or Quasi-Monopoly Exacerbates the Current Program Concerns.....	6
	B. A More Direct Cost-Based Per-Minute Compensation Methodology Is Effective, Does Not Undermine Commission Efforts to Eliminate Fraud, Waste, and Abuse, Appropriately Reflects Provider Costs, and Should be Adopted.....	7
	C. A Compensation Methodology Should Accomplish Its Designed Purpose; to Compensate Providers for their Cost of Providing Service.....	8
	D. A Direct Cost-Based Per-Minute Compensation Methodology Will Achieve the Commission's Expressed Program Goals.....	13
IV.	ACTIVE COMMISSION ENFORCEMENT ACTION AND GUIDANCE ARE PARAMOUNT TO CURBING FRAUD, WASTE, ABUSE, AND ANTI-COMPETITIVE BEHAVIOR.	15
	A. Enforcement of Interoperability Requirements Is Necessary.....	15
	B. Continued Rule Enforcement Under Newly Adopted Reforms Will Effectively Ensure Compliance.....	17
	C. Interactive Information Exchange is an Important Compliance Element.....	19
V.	CONSUMER CHOICE MUST REMAIN EQUIPMENT AND TECHNOLOGY-NEUTRAL.....	19
VI.	TARGETED INCENTIVES WILL CONTRIBUTE TO MEETING COMMISSION OBJECTIVES.....	22
	A. Creating Incentives for Professional Development.....	22
	B. Broadband Deployment and Outreach Incentives.....	24

TABLE OF CONTENTS, Continued

VII.	ADDITIONAL CONSIDERATIONS AFFECTING SPANISH SPEAKING RELAY SERVICES USERS.....	26
A.	Quality of Service.....	26
B.	Unique Additional Costs of Providing Spanish VRS.....	27
C.	Impact of Direct-Cost and Financial Incentives on the Hispanic Community...	28
D.	Expanding Availability of Commission and Company Information For Native Spanish Speakers.....	28
E.	Increased Opportunity to Defraud Deaf Community Under a Per-Subscriber Payment Methodology.....	29
VIII.	CONCLUSION.....	30

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COMMENTS OF ASL SERVICES HOLDINGS, LLC

I. INTRODUCTION

ASL/Gracias VRS is an established woman and minority-owned Florida limited liability company with corporate offices and relay service call centers located in Florida and Puerto Rico. ASL/Gracias VRS has provided video relay service (“VRS”), with particular expertise in processing Spanish language calls, since 2008, through former partnership agreements with other Fund eligible certified VRS providers. Virtually all of its employees are either members of the Deaf and HoH communities or and/or have personal and professional ties to these communities. ASL/Gracias VRS has served as a Fund eligible certified provider since November 15, 2011.¹

Throughout its history, ASL/Gracias VRS has conducted itself with the highest level of integrity and professionalism in serving the Deaf and HoH communities and Public. In the year and a half that ASL/Gracias VRS served as a VRS subcontractor while preparing itself to become a Fund eligible provider, ASL/Gracias VRS carefully studied the Commission’s relay

¹ See, *Further Notice of Conditional grant of Application of ASL/GRACIAS VRS Services Holdings, LLC for Certification as a Provider of Video Relay Services Eligible for Compensation from the Interstate Telecommunications Relay Service Fund*, CG Docket No. 10-51, DA 11-1902 (rel. November 15, 2011).

services regulatory framework and assumed the entirety of its regulatory obligations. ASL/Gracias VRS has invested heavily in its people, technical capabilities, and operations, to provide the most professional, compliant, and effective VRS possible.

Though a newly certified Telecommunications Relay Service Fund (“Fund”) eligible provider, ASL/Gracias VRS has witness the abhorrent waste, fraud, and abuse perpetrated by irresponsible individuals and entities during its tenure as a VRS provider and readily supports - the Commission’s efforts to preclude the ability of individuals and companies from undermining Fund integrity. ASL/Gracias VRS appreciates the unique structure of relay services environment, which remains fully regulated as a federal program, yet has numerous competitive elements that demand a degree of flexibility to successfully serve the Public. These potential opposing regulatory and competitive forces, if properly guided, will result in significant benefits for the Deaf and HoH Communities that rely on relay services as a lifeline to the world, will foster innovation, and will help achieve the Commission’s broader Program policy goals.

ASL/Gracias VRS is directly impacted by the additional reforms undertaken through this proceeding. Though anxious to meet its regulatory obligations, ASL/Gracias VRS must also ensure that it is able to meet its obligations to the public and remain financially viable; a delicate balance for the Company as well. ASL/Gracias VRS supports the Commission’s difficult challenge in instituting reforms that preclude waste, fraud and abuse, while enabling relay service providers to maintain flexibility to compete, cut costs where possible, and contribute to the overall welfare of the Deaf and HoH communities. This challenge manifests itself not only in the type of additional reforms to be undertaken, but in the manner in which they are implemented.

As discussed herein, ASL/Gracias VRS proposes that reforms be instituted through

distinct sequential phases beginning with a transition to a more direct-cost payment methodology, continued active rule enforcement, and an affirmative elimination of equipment and technology as a basis for locking in subscribers to specific providers through bifurcation of the equipment and service aspects of the Program, before additional regulations are considered. Further ASL/Gracias VRS proposes continued adoption of issue-specific operational guidelines and policies, if needed, while according providers sufficient flexibility to compete and innovate to better service the Public, including Spanish language users.

II. RELAY SERVICES REPRESENT A UNIQUE REGULATORY PARADIGM REQUIRING A DELICATE BALANCE NECESSARY FOR SUSTAINABILITY OF THE PROGRAM AND PROVIDERS.

Relay service regulation by its very nature necessarily draws on other forms of regulation, but maintains aspects unique to a federal program and Commission's stewardship of the Fund. There are also clear competitive aspects to the provision of relay services, not unlike those that existed between dominant incumbent regional Bell operating companies and newly emerging competitors following enactment of the federal Telecommunications Act of 1996. And, as has been the case in the transition to a competitive wireline industry, there exist legacy issues that enable entrenched incumbents to retain market dominance. Yet, the provision of relay services does not constitute a market or industry in the conventional sense. There are exceptionally high financial and regulatory barriers to entry, an effectively limited subscriber base, strict regulations, and a single "customer;" the Commission.

The Commission's role in overseeing the Fund is quite unique, accordingly. Here, as the Commission recognizes, it is not overseeing a competitive market, but rather managing the Fund. In its role as Fund manager, the Commission has appropriately acted to eliminate the waste, fraud, and abuse as a result of several factors, including the evolution of the relay services

framework itself from a quasi-monopoly model to a more competitive one. It is this evolution that led disreputable individuals and entities to finding opportunities to defraud and abuse the Fund under a regulatory approach that had not originally been designed for multiple competing providers. Recent efforts undertaken by the Commission to eliminate waste, fraud, and abuse have been resoundingly successful. The Commission also seeks to promote policy goals to benefit the Deaf and HoH Communities and Public, particularly in the areas of technology and broadband deployment. These policy goals require a degree of flexibility and need to create incentives.

It is evident by the nature of the Commission's inquiry that the Commission also remains sensitive to the needs of responsible providers to have flexibility in serving subscribers, and differentiating themselves to provide a modicum of consumer choice, as the Deaf and HoH Communities have repeatedly sought. Too rigid and rapid reforms, including a seismic shift in compensation methodology, stand to eliminate incentives to improve service, let alone to innovate. So too will reliance on a single or very limited number of providers which will also breed complacency, undermine innovation, and moreover eliminate consumer choice, to the detriment of the Public and existing and future capable providers.

The Consumer Groups' TRS Policy Statement – Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act² – indeed offers exceptional policy objectives for consideration. The devil is now in the details. As discussed herein, ASL/Gracias VRS proposes what it views as a balanced approach to meet the need of the Commission to preclude waste, fraud, and abuse in its management of the Fund, to preclude anti-competitive behavior, to enable numerous service providers to meet their

² See Letter from Tamar E. Finn and Brett P. Ferencak, counsel to Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51, attach. (filed Apr. 12, 2011) ("Consumer Groups' TRS Policy Statement").

obligations to the Commission and Public while uniquely establishing themselves as desirable providers, to foster technical innovation to retain Fund sustainability, and to ever approximate the goal of functional equivalency. It is with this backdrop that ASL/GRACIAS VRS presents its recommendations.

III. THE COMMISSION SHOULD FIRST FOCUS ON MAKING TEMPORARY ADJUSTMENTS IN THE CURRENT VRS PAYMENT STRUCTURE BEFORE CONSIDERING ALTERNATIVE APPROACHES.

ASL/Gracias VRS proposes that the Commission adopt a phased approach to further Program reform through adoption of discrete initiatives that build upon each other, beginning with the current payment structure.

The per-minute compensation structure has served the industry well, though inequities remain in light of the long-standing dominance of incumbent providers,³ whose cost structures skew cost calculations. These dominant companies were able to operate as virtually protected entities, able to build their subscriber bases, fund their infrastructure and technology unfettered by competitive pressure. While the current compensation structure to an extent recognizes the advantages maintained by dominant carriers through the three-tiered per-minute compensation methodology⁴ that provides lower payments to established carriers, the current payment methodology does not overcome the significant infrastructure investments required by new entrants, or their cost structures because it continues to rely on average costs.

The Commission *inter alia* suggests that a better approach is to enable all providers to achieve relative parity – “level playing field”⁵ and create an incentive to reach scale per use,

³ By “incumbent” providers, ASL/Gracias VRS refers to those relay service providers that were operational prior to promulgation of the Commission’s 2006 federal TRS Fund-eligibility certification regulations.

⁴ See 2007 TRS Rate Methodology Order, 22 FCC Rcd at 20167–68, paras. 47-56, 67-71; 2010 TRS Rate Methodology Order, 25 FCC Rcd at 8697-98.

⁵ The operative word is “relative.” ASL/Gracias VRS seeks to serve as a competitive provider in a regulatory

without preclusion of new entrants.⁶ The Commission proposes a per-minute rate based on actual per-minute provider costs, which ASL supports.⁷ To reach this point, three key underlying issues need to first be addressed: 1) the need to forego a monopoly or oligopoly approach to the provision of relay services; 2) retention of the current per-minute compensation methodology; and 3) a recognition that not all providers – or their underlying costs - are created equally; *e.g.* the Fund should compensate for each provider’s direct and not averaged service costs.

A. A Relay Services Monopoly or Quasi-Monopoly Exacerbates the Current Program Concerns.

The Commission makes numerous references to the potential provision of relay services by a single or limited provider(s).⁸ ASL/Gracias VRS does not dispute that from a purely administrative perspective, the provision of relay services by a single or highly limited number of providers could be simpler to administer and could – but does not guarantee – the preclusion of fraud, waste, and abuse. Yet the monopoly provision of services engenders a myriad of negative outcomes, which militate against such an approach, as history has proven.

First, the Deaf and HoH Community have clearly expressed their desire for choice.⁹

environment that accords the Company an opportunity for differentiation and incentives to innovate and cut service costs. ASL/Gracias VRS has operated in a competitive interpreting market since its inception. It does not seek Commission protections or a level playing field necessarily, but does, as discussed below, seek a regulatory framework that at a minimum, does not provide disincentives to innovate, let alone survive, but rather offers incentives and flexibility for successfully serving the Public.

⁶ Further Notice at para 64.

⁷ Further Notice at 140. “The Commission in the 2010 TRS Rate Methodology Order found that the Administrator’s “proposed rates based on actual costs [were] reasonable and supported by record evidence...” ...”we find that [the Administrator’s] use of weighted averages is appropriate, and properly balances, on one side, the greater relative costs incurred by smaller providers with, on the other, not penalizing providers operating at lower costs for their greater efficiency. We therefore conclude that [the Administrator’s] methodology, and use of actual cost information submitted by the providers and certified under penalty of perjury to be true and correct, [was] reasonable.” Para 141 citing to *2010 TRS Rate Methodology Order*, 25 FCC Rcd at 8695, para. 10.

⁸ See *inter alia* Further Notice at 25,

⁹ See *e.g.* the Commission’s December 17, 2009 Relay Services Public Hearing; Consumer Groups’ TRS Policy Statement.

Though the Fund is a government program, it does not necessarily follow that users should be relegated a single or restricted number of providers, as the Commission acknowledges.¹⁰ There is no need to pursue a discussion regarding the well-documented benefits of competition and consumer choice. Here, functional equivalency should also translate to the same choice of service providers currently available to consumers in the wireline, wireless, cable, and broadband telecommunications industry segments. When the Commission determined that non-state TRS Fund certified entities could become Fund-eligible certified providers, it made a conscious decision to allow new entities to enter the market. Efforts to revert to a former model of single or limited source providers would be a throwback to an environment that is no longer effective in meeting the needs of the Public.

Secondly, the existence of multiple relay service providers, in and of itself, has not proven to be the underlying cause of program fraud, waste, and abuse. Rather the former regulatory framework arguably contributed opportunities for waste, fraud, and abuse by inadvertently creating opportunities for disreputable individuals and entities to find ways to subvert the Fund's intent for personal gain during a period of transition to a more competitive structure. This is no longer the case. The Commission's recent reforms have, from ASL/Gracias VRS's perspective eliminated the prospects for abuse by principally by limiting the provision of relay services to Commission-certified providers.

At an extreme, monopolies should conceptually be, but are not in reality, the most efficient method of operation in any arena. We need only look to the Bell System divestiture and more recently the failed AT&T – T-Mobile merger to recognize the dangers of extreme market concentration under the guise of improved efficiency. And it has demonstrated that Companies

¹⁰ "We seek to enhance competition in the provision of VRS services because it appears to be an effective way of furthering the goals of section 225." Further Notice at para. 66.

that dominate their sectors might be vulnerable.¹¹ Customers who lack viable alternatives to the market leader often feel constrained and are more likely to abandon the dominant company when other options emerge. That could be a reason for the dominance and sudden decline of firms such as MySpace and Friendster, according to researchers.

Though the conceptual appeal of a single or exceptionally limited provider(s) is understandable, the Commission should resist the temptation to move in this direction, and maintain the consumer choice and foster competition that exists – and whose benefits have been amply demonstrated - in other industry segments it regulates.

B. A More Direct Cost-Based Per-Minute Compensation Methodology Is Effective, Does Not Undermine Commission Efforts to Eliminate Fraud, Waste, and Abuse, Appropriately Reflects Provider Costs, and Should be Adopted.

According to the Commission, “the current VRS compensation mechanism has proven vulnerable to waste, fraud, and abuse.”¹² The Commission suggests that a per-user compensation mechanism “would better align the compensation methodology with the providers’ cost structure, and so be more efficient, easier to set, and more transparent...” while eliminating an incentive to create fraud.¹³ Again, ASL/Gracias VRS cannot dispute these conclusions in isolation, but maintains that these conclusions are based on discrete underlying presumptions that may not take other factors into consideration.

Though a per-minute compensation methodology has led to abuse, it has only been one component – an incentive, of abuse and not the unilateral cause. The Commission’s efforts to develop a more stringent framework to preclude abuses promulgated in 2011, coupled with enhanced enforcement and whistleblower provisions have already proven effective in eliminating

¹¹ See, MIT Sloan Management Review (Winter 2012).

¹² Further Notice at para. 11.

¹³ *Id.* at para. 59.

abuses. Further, elimination of subcontracted provision or relay services, required automated usage reporting process, and enhanced vigilance of the Fund Administrator have virtually ensured that the legitimate remaining certified providers are incapable of committing fraud, or otherwise lose certification and risk severe penalties. These major reforms should be allowed to remain in effect for more than the eight or so months that they have existed to provide a meaningful assessment of their long-term effectiveness before changes in compensation methodology are considered.

Notwithstanding the Commission's recent reforms, a per-subscriber compensation could itself precipitate a different form of abuse through manufactured subscriptions and the relay service equivalent of "slamming," *e.g.* unauthorized account transfers, as the Commission recognizes. A change in methodology solely to curb abuse is akin to squeezing a balloon; it may conceptually eliminate *the type* of fraud that has been experienced, but would open up the potential for other types of fraud, because payment methodology is not the underlying root cause of the fraud.¹⁴ The potential for fraud will arguably remain regardless of the compensation methodology ultimately adopted.

Premature shifting of payment methodology would constitute a major change in underlying compensation and be potentially destabilizing to providers. Per-subscriber compensation inherently suggests a "one-size fits all" cost structure, which is clearly not the case in an industry of varied providers. The Commission need only look at providers' reported annual costs to confirm that each provider's cost structures are dissimilar. Companies that have designed their operations on current compensation methodology potentially risk find themselves immediately unable to maintain service levels and risk loss of certification, or ultimately be unable sustain operations, again at the risk of loss to certification and an inability to continue

¹⁴ See *e.g.* Further Notice at para. 101.

providing services.

ASL/Gracias VRS recognizes that all providers must operate efficiently. Yet a flat compensation level removes any correlation between cost and compensation and ignores each company's own cost structures without a demonstrable countervailing benefit in eliminating fraud.

C. A Compensation Methodology Should Accomplish Its Designed Purpose; to Compensate Providers for their Cost of Providing Service.

The current per-minute compensation methodology was designed to compensate providers for the cost of providing relay services. This is the underlying tenant of any federal telecommunications program, whether LifeLine, LinkUp, and other Universal Service Fund ("USF") program. These USF programs supplement the costs of qualifying subscribers by compensating providers *for their direct costs*. A proposed per-subscriber compensation methodology is inconsistent with these time-proven and fact-based approaches because it compensates on presumed and averaged rather than actual costs. Further, it is unclear whose presumed costs a per-subscriber approach would compensate. If presumably based on some form of weighted average costs, such costs would still not account for the direct costs of all providers.

Because subscriber-based compensation would be disenfranchised from actual costs, entrenched incumbents with inherently lower cost structures developed over time would ultimately stand to benefit most from such an approach while newer providers would be adversely impacted and potentially eliminated before even having an opportunity to build their customer bases.¹⁵ This could not be what the Commission has in mind when allowing new

¹⁵ ASL/Gracias VRS's costs are also impacted by its employment of trilingual communications assistants, whose value in interpreting American Sign Language, English and Spanish, is represented through higher compensation rates than bi-lingual interpreters, as addressed *infra*. A per-subscriber or perpetuation of averaged per-minute rates

market entrants.

The Commission notes

If, however, some providers are not able to manage their businesses, gain scale, or support their existing capital structures during a transition period, they will likely have to change their current business plans. This would be a reasonable result, and fully consistent with our settled policy, affirmed by the courts, that our duty is “to protect competition, not competitors.”¹⁶

Yet compensation of reasonable costs and protection of competitors are two entirely different matters. Compensation of reasonable *allowable* costs is not akin to seeking Commission preservation of individual competitors. As a Fund-eligible certified provider, ASL/Gracias VRS readily recognizes that there are certain costs that ASL/Gracias VRS must itself assume, which are not Fund compensable. These costs are understood to be investments the Company is making in its long-term operations. Further, non-incumbent providers must overcome the dominance incumbent carriers have achieved, and start from a competitive disadvantage.

Allowable compensable costs are well established by the Commission and Fund Administrator, and apply equally to all providers. Nevertheless, each provider’s allowable costs do differ within the range acceptable costs, and should be acknowledged under existing Commission guidelines. Under the current cost-based structure, providers have a “built in” incentive to streamline operations, cut costs, and attract more subscribers, thereby increasing margins, promoting growth, job generation, outreach efforts, and long term stability. By disconnecting compensation to direct costs, the Commission would largely kill such incentives if not eliminate non-incumbent providers, as an unintended consequence.

Though the Commission maintains that per-minute compensation methodology has the

would not account for this anomaly.

¹⁶ Further Notice at para. 66.

effect of creating an incentive for fraud,¹⁷ per-minute compensation also appropriately compensates legitimate certified providers for their costs, and provides them incentives to better serve subscribers and the public. To suggest that the current per-minute compensation is flawed solely because of its potential for abuse could also imply that the current providers will engage in abuse and that recent Commission reforms are ineffective in precluding abuse. Neither should be presumed true.

Virtually all providers have been recently granted conditional Fund eligibility certification. Their entire existence rests on responsibly providing service to the Public in compliance with Commission rules. The threat of virtual immediate (35 day) termination of authority and subsequent guaranteed dissolution, coupled with the other relatively recently protections adopted by the Commission, provide exceptional protections against abuse.

The underlying tenant of any federal USF program is to subsidize service to eligible recipients by compensating for reasonable provider service costs. A subscriber-based methodology does not achieve this purpose because it removes any direct correlation between true provider costs and compensation. If the underlying goal beyond elimination of waste, fraud, and abuse is to reduce *Program* costs, then the focus should be on more closely tying compensation to actual service costs and even creating incentives for efficient provider operations, rather than implementing a “one size” fits all averaged cost recovery methodology that invites other forms of fraud, may not necessarily drive compensation levels down, and will undermine the Commission’s other Fund public policy objectives.

¹⁷ “Under a per-user compensation mechanism, we recognize that VRS providers may continue to engage in unlawful practices. Under the per-minute compensation reimbursement method, these unlawful practices have generally occurred through discrimination (e.g., favoring high-volume users over low-volume users), often resulting in waste, fraud, and abuse of the TRS Fund (e.g., seeking payment for non-compensatory minutes through discriminatory practices and outright fraud).”

D. A Direct Cost-Based Per-Minute Compensation Methodology Will Achieve the Commission's Expressed Program Goals.

The Further Notice proposes a direct service cost per-minute compensation option, which ASL/Gracias VRS enthusiastically supports.¹⁸ The Commission asks whether such a structure would “better align the compensation methodology with the providers’ cost structure, and so be more efficient, easier to set, and more transparent.”¹⁹ ASL/Gracias VRS emphatically responds, “yes.”

As has been addressed, the very nature of the TRS Program as now structured following last year’s significant reforms, inherently contains elements of a strictly regulated environment to preclude fraud, waste, and abuse, and elements of a competitive marketplace. Additionally, the Commission has expressed its desire to expand outreach to new subscribers, spur innovation and reduce program costs, specifically in the relay services arena, while promoting the Commission’s broader goal of wide-spread broadband deployment. These factors create a tension of opposing forces requiring a fine regulatory balance. Too draconian an effort to curb fraud, waste, and abuse would be diametrically opposed to – and undermine – the ability of providers to fully meet consumer demand, innovate, and achieve broader Commission goals.

Nowhere is this tension more pronounced than in the payment methodology. Though as noted, a per-minute compensation methodology has led to waste, fraud, and abuse, it has not been the direct contributing factor, but rather the incentive for unlawful and illegal behavior. A change of compensation methodology does not change the incentive, but rather shifts it, as the Commission itself acknowledges. The process for transitioning to a per-subscriber based compensation methodology²⁰ effectively represents a regulatory manipulation of a market no

¹⁸ Further Notice at paras. 59 and 140.

¹⁹ *Id.*

²⁰ *Id.* at para 109.

longer appropriate for what has developed into a competitive arena. Such manipulation will have unintended outcomes, not the least of which is driving all providers to emulate each other by necessity, resulting in perpetuation of the dominant incumbent carrier's market control, elimination of meaningful consumer choice,²¹ and undermining any incentive for providers to do more than is absolutely necessary to retain their certifications and subscribers, and survive. This is the antitheses of what the Commission envisions for technological advancement, outreach, innovation, and broadband deployment.

A perceived curbing waste, fraud, and abuse should not be the overarching basis for electing a per-subscriber based compensation methodology. Alternatively, the Commission should view a direct cost-based compensation methodology as a means to direct desirable behavior, promote consumer choice, and enable providers to meet broader Program and Commission policy goals. To borrow from a warn cliché, the Commission should offer a carrot and stick to providers – the carrot: compensation that enables providers to cover their direct costs of services, while creating incentives to operate more efficiently, attract subscribers, and innovate, and the stick: rigorous and swift Commission enforcement action leading to immediate termination of certification and further criminal sanctions as appropriate.

A direct cost per-minute compensation methodology is also more appropriate because it allows the market forces that exist to drive provider operations within the Commission's regulatory framework, without further regulatory manipulation. Because it is impossible to remove the profit motive from any for profit business, a direct cost-based compensation plays into the profit motive by stimulating desired provider behavior. It will create incentives to operate more effectively in an effort to increase margins, which in turn frees funds for outreach

²¹ Though technically consumers would retain a choice of provider, the lack of any differentiating features among providers would effectively make all providers a choice of "six of one and half a dozen of another." This in itself would promote a form of consumer homeostasis.

to grow subscriber bases, market services, invest in technology, add jobs, and ultimately create growth to further fuel technological innovation and widespread broadband deployment.²² A direct cost-based approach will also create much needed stability in the provision of relay services.²³

IV. ACTIVE COMMISSION ENFORCEMENT ACTION AND GUIDANCE ARE PARAMOUNT TO CURBING FRAUD, WASTE, ABUSE, AND ANTI-COMPETITIVE BEHAVIOR.

The Further Notice poses the question of what modifications to existing rules, if any, are necessary to ensure that they are enforceable.²⁴ ASL/Gracias VRS maintains that rather than modification of current rules to ensure enforceability the Commission should remain active in enforcing current rules to curb waste, fraud, and abuse. This is particularly important in the area of interoperability. The provision of relay services must be made equipment and technology-neutral in so far as tying subscribers to specific providers. If issue-specific direction is necessary, the Commission should continue to rely on policy orders or guidelines to supplement current regulations and guide desirable behavior, while encouraging additional information sharing opportunities.

A. Enforcement of Interoperability Requirements Is Necessary.

On May 3, 2006, the Commission released a *Declaratory Ruling and Further Notice of*

²² It is not clear that additional subsidies will necessarily accomplish the same end as effectively. Though ASL/Gracias VRS would not oppose broadband subsidies such as those suggested by the Commission, and indeed recognizes the benefit of such subsidies in underserved and unserved areas, these subsidies should be available to all providers on the same basis, without creation of a separate broadband deployment process for relay service providers. Further, ASL/Gracias VRS would not oppose new category incentives or enterprise VRS compensation plans so long as the underlying tenant would be to retain a direct per-cost compensation methodology.

²³ Though the need for stringent Commission Program reforms to curb waste, fraud, and abuse have been imperative, such reforms have also by necessity created a degree of instability. In ASL/Gracias VRS's experience, stability is a central tenant to effectively managed programs and successful markets. Further, stability enables providers to attract capital that is necessary for growth and innovation, consistent with the Commission's vision for the Program's future. Program stability will also give the Commission an opportunity to study the result of its recent reforms and gather additional data that can then serve as the basis for further reforms, if necessary.

²⁴ Further Notice at para. 96.

*Proposed Rulemaking*²⁵ prohibiting providers from restricting use of another VRS provider's service. The Commission concluded that,

... that all VRS consumers must be able to place a VRS call through any VRS provider's service, and all VRS providers must be able to receive calls from, and make calls to, any VRS consumer. The Commission also determined that restricting the use of a provider's VRS service so that consumers cannot access other VRS providers is inconsistent with the functional equivalency mandate, the public interest and the intent of Congress.²⁶

Yet it is no secret that specialized "proprietary" equipment currently in use precludes subscribers from accessing other providers' service. Though such equipment is touted as having specialized features but otherwise compliant with Commission rules, the reality remains that other providers are technologically incapable of receiving and processing calls from equipment users. The equipment is effectively non-interoperable. Subscribers ultimately fear relinquishing the equipment and serving provider, on the perception that they will lose critical service capabilities and features. This constitutes an anti-discriminatory lock on a dominant provider's subscribers contrary to the Commission's requirements.²⁷ No advertising or outreach, compensable or otherwise, can overcome such a barrier to competition. No incentives to other providers can resolve this technologic impediment. Only decisive Commission action can remove the stranglehold on consumer choice that such equipment represents.

²⁵ Declaratory Ruling and Further Notice of Proposed Rulemaking, CG Docket No. 03-123, FCC 06-57, (rel. May 9, 2006).

²⁶ FCC *News*, FCC Declares Video Relay Service (VRS) Providers Must Provide Interoperability With Competing Providers. (May 3, 2006). Also noted in the Further Notice at para. 16 to 18; "Consequently, we are concerned that VRS users may be effectively "locked in" to their existing providers by their wish to continue to use these non-standardized enhanced features." Further Notice at para. 17 citing to Purple Sept. 2, 2010 Reply Comments in WC Docket No. 10-51, n. 17; *see also Eastman Kodak Co. v. Image Technical Servs.*, 504 U.S. 451, 474-76 (1992) (recognizing "lock-in" effect created when customers encounter high costs to switch suppliers); and "We are concerned that VRS users may not be able to enjoy the benefits of non-price competition between multiple providers if, in fact, switching costs are so high that there is little prospect that consumers will actually switch default providers?" Further Notice at para. 18.

²⁷ *See, in particular* Further Notice at footnote 83. Ironically, a change in Commission compensation methodology to a subscriber-based approach would exacerbate the very incentive to perpetuate equipment non-interoperability in the absence of Commission enforcement and standards.

The Commission appropriately addresses an imperative for the development of technical standards, which ASL/Gracias VRS readily supports. These standards and the bifurcation of service and equipment oversight, as discussed below, will preclude the anti-competitive tying of specialized provider-equipment to subscribers. Yet these reforms will require time to develop and implement, making enforcement and the provision of additional information to the Public on their right to change providers, critical in the short term. Consumer choice must remain entirely equipment, technology independent.

B. Continued Rule Enforcement Under Newly Adopted Reforms Will Effectively Ensure Compliance

The Commission has accomplished major reforms that were sorely needed to preclude waste, fraud, and abuse as relay services evolved to a multi-provider environment. These reforms now provide the Commission with an exceptional framework that ASL/Gracias VRS believes will result in effective Program management and obviate the need for additional immediate regulation with continued active enforcement and oversight, unless a distinct need for specific regulation is identified.

Elimination of subcontractor services, adoption of announced and unannounced on-site inspections in 2011 and the greater scrutiny of compensable usage undertaken by the new Fund Administrator, have given the Commission needed tools to maintain effective oversight of certified providers. Though further regulations could in concept potentially enhance Commission reform and oversight additional regulation may prove premature without the benefit of additional data following last year's reforms and have unintended consequences.

Virtually every current relay service provider has recently become (re)certified. Through the Commission's rigorous certification process, current providers have had to demonstrate strict compliance with Commission rules, subject to further Commission verification. Ongoing

Commission and Fund Administrator oversight under the 2011 reforms impose stringent continuing compliance obligations on providers who face a significant risk of non-compliance up to and including loss of certification and even criminal penalties. Commission and Fund Administrator reporting requirements further enable the Commission to spot potential compliance issues on a continuing basis. And adoption of whistleblower provisions, also provide a venue to report unlawful behavior previously unavailable.

Armed with this amended regulatory framework, it is unclear that yet additional regulation is needed before the effectiveness of the Commission's 2011 reforms have been fully been evaluated. This is not to say that additional regulation would not be needed in the future.²⁸ Yet ASL/Gracias VRS urges the Commission to develop data from the effect of its recent reforms over more than the eight or so months that its reforms have been in place to specifically determine what, if any additional, regulatory reforms may be required.

ASL/Gracias VRS acknowledges that circumstances arise when specific action may be necessary within the Commission's existing regulatory framework. Should such circumstances arise, ASL/Gracias VRS proposes continued adoption of specific operating guidelines or issue-specific policies to supplement the current regulatory framework as the Commission routinely undertakes.²⁹

²⁸ ASL/Gracias VRS does support the limitation of VRS users to registering with a single provider, consistent with the presubscription process currently available in the wireline and wireless industries (Further Notice at para. 79), so long as subscribers remain free to change carriers, are informed of their right to do so and of their ability to retain service independent of specific provider issued equipment. ASL/Gracias VRS also supports development of a VRS User Database (VRSURD) as proposed to at a minimum track subscription by user, location, and assigned ten digit number - perhaps taking data from the existing registered location data base - assigned provider, and date of subscription. ASL/Gracias VRS believes that the Commission's current account verification regulations in Section 64.1100 of the Commission's rules (47 C.F.R. §§64.1100 *et seq*) provide a reasonable basis for adaptation to provision of relay services without significant amendment.

²⁹ See, e.g. In the Matter of Telecommunications Relay Services And Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, *Order* (rel. July 28, 2005)(prohibiting financial incentives in the provision or relay services).

C. Interactive Information Exchange Remains an Important Compliance Element.

Though the Commission's role in the Program is strictly regulatory, this should not preclude the Commission from engaging in information sharing with providers and the Public. Brief informal discussion with Commission staff on non-interpretive matters may quickly and easily resolve technical issues and avoid unnecessary misunderstanding. Information contact also enables the Commission to promote desired provider actions.

ASL/Gracias VRS readily recognizes the significant demands placed on staff in the conduct of its responsibilities. Nevertheless, ASL/Gracias VRS maintains that a brief conversation or exchange of electronic mail on technical issues will enhance provider understanding, promote close compliance, and facilitate information exchange. Additionally the Commission may consider scheduling periodic collaborative provider meetings to create a venue for open interactive discussions and dissemination of information and attention to industry wide issues and concerns

V. EQUIPMENT MUST BE REMOVED FROM THE SERVICE EQUATION.

Providers are increasingly experiencing a dilemma in the allocation of limited resources between investment in the provision of service and in development of supporting equipment. Relay services are by necessity equipment dependent, yet equipment costs are not Fund compensable. Providers must either rely on subscribers to obtain their own equipment, provide subscribers with "off the shelf" equipment, or assume the costs of developing their own proprietary technology and equipment, accordingly. This situation presents a Hobson's choice for non-incumbent service providers. Incumbent providers are not so encumbered, having achieved and maintained economies of scale that enable them to invest in both. Compensation methodologies that entail averaging – per-subscriber and even the current three-tiered compensation methodology - simply exacerbate the challenges that non-incumbent providers

face how to meaningfully invest limited resources in service and equipment.

Under the current framework, providers assume the full cost of equipment and development of equipment-related technology, giving incumbent providers a decided competitive advantage in tying equipment and service. Yet the Commission also desires providers to innovate technologically and pursue technologic advancements as a public policy goal consistent with Section 225 of the Act³⁰ and its rules. Limiting the number of providers as the Commission suggests as an option, is not the answer. Such an approach would be a throwback to the days of a quasi-monopoly relay services model, which we are now well past. ASL/Gracias VRS maintains that these two disparate positions between service and equipment cannot successfully function under the existing regulatory framework, must be bifurcated, and independently overseen by the Commission.

Service provider business models are driven by professional standards, compliance - in the case of relay service providers, and compensation of underlying costs of providing service. Technology and manufacturing business models are driven by meeting market demand, innovation, interoperability and recouping investments. Both business models are appropriate to their respective fields, but do not easily coexist in provision of relay services. Though incumbent providers have the ability to operate under both business models, non-incumbent providers simply do not have the resources necessary to successfully engage in both arenas and must necessarily concentrate on service operations to remain viable.

This dichotomy and an overall desire to advance relay technology consistent with the Commission's technology goals demands that the regulatory framework separately focus on service and technology. To that end, ASL/Gracias VRS proposes the development of a Commission relay technology program. Through this separate Commission relay technology

³⁰ 47 U.S.C. §225.

program, all equipment development would be overseen by the Commission. The Commission would establish the technology standards it proposes, and monitor implementation of those standards in equipment. Equipment would require the equivalent of Part 15³¹ type approval with Commission-established technology standards to ensure compliance.

Eligible relay service users would retain the ability to purchase equipment on the market as they do now. If, however, users elected to receive Commission type-approved equipment, they would now do so through the Commission or Commission-appointed neutral administrator, and not the provider. Upon a user's election of type-approved equipment, the Commission would inform the service provider or non-relay service provider equipment manufacturer whose equipment was selected of the user's selection, and compensate the provider or manufacturer on an established per unit cost basis.³² Equipment and distribution information could then be tracked as part of the Commission's proposed relay service registration database.

This bifurcation of equipment and service oversight approach offers numerous desirable advantages for users, providers, the Commission, and for technology companies that may elect to enter the relay services equipment market not currently possible under the current service-focused regulatory framework. Users benefit because they may select from among numerous equipment options that are fully interoperable and not necessarily tied to a specific relay services provider, consistent with the wireless industry model.³³ Such meaningful consumer choice has remained a central theme to Deaf and HoH Community advocates. Low income users gain access to equipment they might not have been able to otherwise afford. And equipment becomes

³¹ 47 C.F.R. Part 15.

³² This approach would also create an opportunity for non-relay service provider technology companies to consider developing equipment for relay service users, thus increasing investment in technology development and introducing a greater variety of equipment choices for the Public.

³³ Each wireless provider, whether Verizon, AT&T, Sprint, T-Mobile, and others such as Apple, Samsung, LG, etc. offer their own equipment, some of which may be branded by the service provider. Yet all equipment is interoperable with other wireless devices and the public switched telephone network.

entirely portable between providers. Providers benefit because equipment is no longer tied to service. Competing providers have the ability attract subscribers based on the merits of their service. Those providers that develop their own technology are compensated separately for their investments and costs on a per unit basis independent of the cost of providing – and unrelated to – relay service, requiring no change in the current relay service compensation methodology. The Commission would achieve its goals of promoting technology by spurring innovation through creating an incentive for providers and now other non-relay service provider technology companies to invest in technology advancements for relay equipment as an additional revenue source.³⁴ Commission financial incentives would be tied directly to discrete equipment purchases, precluding the possibility for fraud and waste that might otherwise occur with grants or other types of more generalized financial incentives, and the Commission would be better able to oversee and administer the Program through the benefit of additional data developed through its involvement.³⁵

VI. TARGETED INCENTIVES WILL CONTRIBUTE TO MEETING COMMISSION OBJECTIVES.

The Commission can also create incentives to promote Commission goals and objectives, in other areas such as communications assistant (“CA”) professional development.

A. Creating Incentives for Professional Development.

³⁴ The answer is certainly not in limiting the number of providers as the Commission suggests. Relying on a sole source provider in today’s world of rapid technologic advancement would be reminiscent of the Bell System days. Technological advancement has developed to the point where no single entity can possibly be capable of keeping up with the pace of technologic advancement.

³⁵ Though ASL/Gracias VRS does not support a per-subscriber compensation methodology, the Company maintains that if the Commission were to ultimately move toward such a compensation methodology, bifurcation of equipment and service compensation would facilitate such a transition, because equipment and service compensation would no longer be tied. The incentive for providers to engage in aggressive sales techniques and even in unauthorized account transfers would be diminished because equipment costs would cease to be a consideration.

The universe of CA experience, training and capabilities span a broad spectrum. Professional development is key to ensuring that the CA pool grows, and remains competent to provide high quality services to the public. ASL/Gracias VRS proposes that the Commission establish a program – a “Pre-Certified Interpreter Direct Development Program” - to focus on service quality with corresponding guidelines to supplement current Mandatory Minimum Standards for the provision of relay services resident in Section 64.604(a) of the Commission’s rules.³⁶

A “Pre-Certified Interpreter Direct Development Program” would entail the following steps:

1. Commission establishment of a baseline of current CA skills by requiring providers to report the percentage of certified and non-certified CAs;
2. Commission establishment of desirable CA attributes and certified to non-certified CA ratios;
3. Allocation of financial incentives for providers to meet base line professional CA accreditations corresponding to the ratio of provider CAs meeting baseline certification standards;
4. Commission establishment of what constitutes Direct Development that providers would document, such as payment for providing (or CA attending) workshops, training, classes, support for college course reimbursement, support for attending local, regional and national RID conferences, all with the goal of providing direct support to pre-certified CA to reach National certification;³⁷ and

³⁶ 47 C.F.R. §64.604(a).

³⁷ Sponsorship in return for advertising, while encouraged, would not constitute Direct Development, and should appropriately remain promotional expenses, and not investment in development of the pool of higher quality

5. Annual reporting and monitoring of each provider's gains in increasing the number of CAs meeting baseline standards and certification CAs and documentation of provider training to include handling 911/emergency situations. Tier three (large incumbent) providers would be specifically required to demonstrate reinvestment from their profits in the direct support of the pre-certified CA they are using in their provision of services. Smaller providers would have to report on in their contributions to Direct Development of pre-certified interpreters.

Establishment of a Pre-Certified Interpreter Direct Development Program would create a provider incentive to invest further in CA professional development, enable CAs to achieve full accreditation and contribute to their own professional development, and establish much needed and documented specific minimum CA qualifications for the provision of relay services beyond the general requirements contained in Section 64.604(a) of the Commission's rules. This approach would further expand the base of qualified CAs for the entire industry, and generally contribute to the overall improvement of interpretation quality and further approximation to full functional equivalency.

B. Broadband Deployment and Outreach Incentives

ASL/Gracias VRS fully supports the FCC plan to increase availability of Broadband/Internet services to potential users who currently are aware of relay service options but cannot afford to pay for Internet access, or those who are not yet aware of relay services. Indeed the Commission's broadband deployment and outreach objectives are efforts that are important to expand the reach of services to new relay services users. Though much can be conducted in parallel with the additional reforms the Commission is considering, ASL/Gracias

VRS maintains that the fundamental issues addressed above must take priority.

Unless compensation methodology is transitioned to a direct-provider cost basis, emerging providers will not be in a position to reach or attract the new to users, leaving the dominant incumbent providers free to perpetuate their dominance. The number of users already subscribed to dominant incumbents, interoperability issues, and current compensation methodology place non-incumbent providers in particular at a distinct disadvantage. Though ASL/Gracias VRS does not necessarily envision a leveling of the playing field, the Company maintains that a change in compensation methodology is a necessary imperative to enable non-incumbent providers to invest in their operations and effectively “catch up.”

Regarding broadband deployment specifically, special attention should be given to underserved and unserved locations as primary focus to increase broadband (through subsidies or arrangements with internet providers) that have less economic opportunities such as inner city, rural, islands as well as racial, ethnics, geriatric demographics that would be economic indicators of areas most hit with less employment opportunities. The Commission is already engaged in such a targeted approach. No additional targeting is needed in the relay services arenas. Efforts to promote minimum broadband standards to support relay services should be pursued as a natural extension of the Commission’s extensive Broadband initiatives.

The Commission should, however, provide monetary incentives, whether in the form of grants, allocated per-minute compensation, or other form of financial compensation, to providers that offer community wi-fi access points for their efforts in providing low or no cost Internet access for relay services, as would be documented by such providers to the Commission. ASL/Gracias VRS’s past efforts to assume the cost of introducing Company-subsidized Internet services in Puerto Rico did not always result in the level of broadband service quality needed to

carry video. Additional access to funding would have enabled the Company to afford higher capacity facilities capable of supporting quality VRS.

The Commission is already engaged in a series of broadband initiatives that should now be extended to relay services, in the form of additional financial incentives to make Internet access available to low-income users. ASL/Gracias VRS urges the Commission to engage in a targeted investigation of existing Commission broadband initiatives that could be adapted specifically to relay services.

VII. ADDITIONAL CONSIDERATIONS AFFECTING SPANISH SPEAKING RELAY SERVICES USERS.

Though the Commission's request for comment does not address potential impacts on Spanish speaking relay service users, ASL/Gracias VRS takes this opportunity to comment on how Commission actions may affect this growing segment of users. Spanish speaking individuals constitute 16.3% of the U.S. population United States; more than 50.5 million citizens according to recent census reports.³⁸ A corresponding segment of the Deaf and HoH Community are Spanish speaking by extension. The Spanish language segment of the Deaf and HoH Community must have the ability to communicate freely with non-Spanish language individuals; e.g. communications are not confined to a specific linguistic ethnic group. Issues directly impacting the Latino community have equal applicability to all English as a second language groups.

A. Quality of Service.

Culturally and linguistically, callers using Spanish-American Sign Language ("ASL") create unique demands. The ability to understand various Spanish dialects, the cultural norms, the appropriate sensitivity to gender relationships, and cross cultural mediation between

³⁸ Pew Hispanic Center data.

American/English and Spanish-based cultural norms are but a few of the unique skills needed to appropriately process Spanish-ASL calls.

Many providers rely on CAs who speak Spanish as their second and even third language and may not be sufficiently proficient in Spanish.

There currently is no national test for ASL-Spanish. There is one state test, but at present that test is designed primarily for state residents, or individuals who have passed the RID national Certification test, which is an English-ASL based test.

For those CAs that are ASL-Spanish bilingual speakers, their education and daily use of Spanish in a range of settings affords them an exceptional proficiency of Spanish, often better than English-speaking CAs who also speak Spanish and are certified. Non-certified Spanish-speaking CAs often find passing English- ASL certification to be challenging, if not out of reach. Yet these individuals provide perhaps the best possible ASL-Spanish interpretation possible, and should not be deemed incapable of serving as highly qualified CAs despite their lack of an English language-based certification process.

B. Unique Additional Costs of Providing Spanish VRS.

Both the certified trilingual and non-certified bilingual CA are critical to providing appropriate ASL-Spanish relay services, and each present unique costs that English-ASL providers will not assume.

Trilingual interpreters by virtue of using three languages, command the highest level of compensation due to their language specialty. This is even more so if the trilingual is also certified. Bilinguals may possess exceptional ASL-Spanish skills, but testing materials must be internally developed, and specialized training is required. Additionally, professional interpreter materials must be translated, as very few materials exist in Spanish. Internal memos, policy

procedures, updates, and technological upgrades requiring continual training, must also be translated. This demands additional manpower, administration, resources, and attendant costs to provide the appropriate support.

These costs are further exacerbated in light of the exceptionally limited pool of native Spanish CAs. It is only in the past few years that training programs and professional associations such as “Mano a Mano” have begun development of trilingual skills programs, workshops and other training opportunities. While relay service providers have commendably given sponsorship funds to workshops and annual retreats, the need for training and professional development such as proposed through a Direct Development CA program, should also include separate and specific requirements earmarked to development and support of Spanish-language CAs.

C. Impact of Direct-Cost and Financial Incentives on the Hispanic Community.

The Spanish community generally is clearly one of the key communities that needs, and would benefit from, expanded low cost Internet services. Affordable Internet access and willingness to take on the added costs for outreach for these already marginalized “minority within a minority” populations is needed. Provision of quality Spanish translation should be further compensated by the Commission if it is serious about truly expanding relay service quality and broadband Internet access.

D. Expanding Availability of Commission and Company Information For Native Spanish Speakers.

Because of language and cultural differences, many Spanish speaking communities are not always knowledgeable of the Commission’s relay services role and obligations of relay service providers. Further, in ASL/Gracias VRS’s experience, much of the regulatory-based information available to the public in English can be highly technical and not generally

understood by many native English relay services users, let alone those who use English as second or third language.

ASL/Gracias VRS applauds the Commission for its efforts to provide information in ASL. However, American Sign Language has heavy English influences, and the captioning as support is only in English. ASL/Gracias VRS has recently requested Spanish captioning be added. ASL/Gracias VRS also maintains that VRS providers should be mandated to support the Commission in its efforts to disseminate not only in English and ASL, but in Spanish as well.

The concern to promote further Spanish language access is predicated on reports from Spanish community over confusion and fear regarding their relay services equipment. Anecdotal reports repeatedly suggest that Deaf relay service users wish to switch providers, but have had representatives tell them if they switch, “the company” will know and they will come and take away their equipment.³⁹ Unfortunately repeated efforts to encourage individuals to report their concerns to the Commission have proven unsuccessful due to a lack of understanding in how to contact the Commission and how to report dubious behavior. Additional outreach in languages other than English and ASL is needed.

E. Increased Opportunity to Defraud Deaf Community Under a Per-Subscriber Payment Methodology.

Some of the Deaf and HoH individuals have themselves or have family members that come from countries where corruption, threats, and abuse of power are routine. They are not sure they have the right to complain. Others are simply ignorant because of not having linguistic access to accurate information and processes. These situations are further cause for the need to establish a process of precluding the dissemination of misinformation and use of fear tactics by

³⁹ While ASL/Gracias VRS does not believe such threats constitute a provider’s policy nor it encouraged, a few representatives have used such tactics. ASL/GRACIAS VRS can supply notarized statements testifying to these threats being reported by Deaf relay users ASL/GRACIAS VRS’s customer service representatives.

certain individuals, and using non-interoperable equipment as the basis to create an environment to keep callers locked in to their services.

The proposed per-subscriber compensation methodology, in addition to creating new opportunities for fraud, would place many Spanish community Deaf individuals at added risk to be defrauded. Because of minimal English language access in cases, insufficient knowledge and often cultural marginalization, a per-subscriber compensation methodology could introduce additional complexities such as who is identified as the subscriber within households or at work. This could enable subscriptions to be made under multiple individuals in a single household or business under separate names. This is particularly true within Spanish community where the surname may be used, e.g. retention of a mother's maiden name and use of a family surname individually or in conjunction with each other.

A per-subscriber compensation methodology would precipitate provider focus on subscribing individuals resulting in potential further confusion in Spanish speaking households. Subscription transactions would introduce new contractual aspects of service with which some CAS might not be familiar. Further, because contracts are notorious for detailed provisions that might be lost on those with limited language proficiency and/or limited literacy such as elderly, very young, and second language users like within the Spanish community, hard pressure subscription tactics by providers could cause individuals to not fully realize the implications of changing providers when provider-equipment or other inducements are introduced.

ASL/GRACIAS VRS urges the Commission to consider the impact of any further actions on Spanish and all non-native English language users as well as the on the Deaf and HoH Community generally.

VIII. CONCLUSION.

The Commission has implemented major reforms to eliminate fraud, waste and abuse,

which have materially improved the Program. These reforms should now be given an opportunity to prove their worth before additional major reforms are implemented, to develop a baseline for consideration. As the Program requires strict regulation to administer, yet engenders competitive attributes of markets, a balance between strict regulation and flexibility to compete, innovate, and grow is needed to accomplish the Commission's policy objectives and promote functional equivalency. This balance rests on several key factors including a transition to a direct provider cost-based that compensates each provider for its reasonable established costs of providing service while creating operational incentives to meet subscriber demand, active enforcement of Commission rules and a venue for Commission-industry collaboration, removal of anti-discriminatory factors including the essential need to administer service and equipment separately, and further consideration of the impact of Commission action on Spanish-speaking users. ASL/Gracias VRS looks forward to its continued support of the Commission's efforts to rid the Program of waste, fraud, and abuse, promote consumer choice, and achieve the Commission's policy objectives.

Respectfully submitted this 9th day of March 2012,

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VERIFICATION

I swear under penalty of perjury that I am Angela Roth, President and Chief Executive Officer of ASL Services Holdings, LLC, and officer of ASL Services Holdings, LLC, and that I have examined the foregoing *Comments of ASL Services Holdings, LLC*, and that all statements of fact and representations contained therein, are true, accurate, and complete.


ASL Services Holdings, LLC

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Subscribed and sworn to before me this 9th day of March 2012.


Notary Public in and for the State of Florida